

Human Rights in the Indian Perspective

Objectives:

Every human being possesses certain basic, inherent and inalienable rights. Human rights are essential for the physical, mental, moral and spiritual upliftment of human personality. Human rights are colour blind and know no barrier. The evolution of the human rights can be traced to the early human civilization. However, on account of tyranny, oppression and barbarism, human rights were grossly abused from time to time. Even then, whenever the human rights were massively violated, each time the human rights were revived with more strength and vigour. Freedom struggles, revolutions are standing examples of the human rights movements in the world. The establishment of the UN Charter in 1945 and subsequent adoption and incorporation of human rights in various international declarations, conventions, treaties, regional conventions, national constitutions and legislation, judicial interpretations reflect the magnitude of the significance of promotion and protection of human rights in the world.

Thus the objectives of the curriculum are: i) To understand the meaning and concept of human rights and its gradual development, ii) To know and understand human rights in theoretical and historical perspective, iii) To examine and assess the global efforts made to promote and protect human rights in the world, iv) To critically evaluate the measures taken at national level to promote and protect human rights in India, and v) To assess the role of individual groups and human right institutions such as media, press, and Human Right Commission in the effective realization of human rights in India.

Units

1) Historical Development of Human Rights

(06)

- 1.1 Concept and meaning of Human Rights
- 1.2 Evolution and development of Human Rights culminating in the establishment of United Nations
- 1.3 Prominent theories explaining the nature of Human Rights; classification of Human Rights

2) Efforts made at International level to secure protection and enforcement of Human Rights

(08)

- 2.1 U.N. Charter and Human Rights
- 2.2 Universal Declaration on Human Rights
- 2.3 International Covenants on Human Rights
- 2.4 Other significant developments from global perspective.
Significance of the above documents and their incorporation in the Indian Legal System

3) Human Rights under Indian Constitution (07)

- 3.1 Incorporation of Human Rights under chapter III of the Constitution; Enforcement of Human Rights; Judicial trend
- 3.2 Nature of Human Rights contained in chapter IV of the constitution; Fundamental Rights vis-à-vis Directive Principles of State Policy; Judicial approach

4) Vulnerable Groups and Human Rights (09)

- 4.1 Rights of Woman
 - 4.1.1 Recognition and protection of Rights of woman at international level. Significant achievements. Indian position
 - 4.1.2 Recognition and protection of Rights of woman in India; Constitutional, Legislative and other measures aimed at securing the rights of women; Judicial approach
- 4.2 Rights of Child
 - 4.2.1 Efforts made at Internal Level for the protection of Rights of Child
 - 4.2.2 Recognition and protection of Rights of child in India; Constitutional, Legislative and other measures aimed at securing the rights of child; Judicial approach
- 4.3 A brief overview of Rights of Disabled persons; Some achievements

5) Rights of Prisoners (05)

- 5.1 Recognition and protection of Rights of Prisoners at International level. Geneva Convention (1948) and its implications
- 5.2 Recognition and protection of Rights of Prisoners in India; Constitutional, Legislative and other measures aimed at securing the rights of child; Judicial approach

6) Mechanism established to Enforce Human Rights at International and National levels - A brief overview (06)

- 6.1 Mechanism established under Civil and Political Covenant (1966). Evaluation of the system
- 6.2 Mechanism established under Protection of Human Rights Act, 1993
 - 6.2.1 Constitution, Powers and Functions of NHRC
 - 6.2.2 Role of NHRC in securing Protection of Human Rights in India; Limitations

7) Role played by NGO(s) and Media in securing the protection of Human Rights (04)

Tutorial (05)

Total

(50)

Suggested Readings:

- Krishna Iyer, V. R., *The Dialectics and Dynamics of Human Rights in India*
Dr. Chandra, U., *Human Rights*
Nirmal, C. J., (ed.), *Human Rights in India*, (2000)
Agarwal, H. O., *Human Rights & International Law*
Dr. Pandey, J. N., *Constitutional Law*
Baxi, U., (ed): *The Right to be Human*, (1986)
Baxi, U., *The Crisis of the Indian Legal System*, (1982)
Baxi, U., “*Human Rights - Accountability and Development*”
Robertson, A.H., (ed.), Merrills J.G., *Human Rights in National and International Law*,
Universal Law Publishing Co. Pvt. Ltd. (2005)
Menon, I., (ed.): *Human Rights in National Law*, (1985)
Avesti, S. K., and Kataria, R. P., *Law Relating to Human Rights*, Orient Publication
Edition 2 (2005)
Gandhi, P.R., *International Human Rights Documents*, Universal Law Publishing Co.
Pvt. Ltd. (2001)
Naikar, Lohit D., *Law Relating to Human Rights*, Puliani (2004)
Basu, Palok, *Law Relating to Protection of Human Rights*
Reports: 1) National Human Rights commission reports, 2) P. U. C. L. Reports, 3)
Human Rights Watch Report

Note: Students are expected to read latest journals, periodicals, reports and articles to keep abreast with the recent trends and developments in this area of Law.